

III. REMARKS

Claim Status

Claims 1-27 are in the application and stand rejected. Claims 6, 10, 22, and 25-26 have been amended. Claims 2-5 and 27 have been cancelled.

Claim Objections

Claims 6-10 and 20-22 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claims 6, 10 and 22 have been amended to obviate this ground for objection. Applicant respectfully suggests that claim 20 is in proper form.

Claims 22 and 26-27 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and/or cannot depend from any other multiple dependent claim.

Claims 22 and 26 have been amended to obviate this ground for rejection.

Claim Rejections - 35 USC § 112

Claims 6-12 and 21 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6-12 and 21 provides for the use of a composition, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass.

Claim 6 has been amended to recite the active step "applying". Claim 10 has been amended in like manner.

Statutory Double Patenting

Claims 2-5 stand provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 2-5 of copending Application No. 10/653,863 (US 2004/0211333). This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claims 2-5 have been cancelled thus obviating this ground for rejection.

Obvious Double Patenting

Claims 1 and 6-27 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-30 of copending Application No. 10/653,863 (2004/0211333).

Claims 1-16 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4-17 and 20 of copending Application No. 10/653,867.

Claims 1-16, and 23 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4-17 and 20 of copending Application No. 10/526,644.

Applicant acknowledges these provisional rejections and will take appropriate action when the subject claims are otherwise deemed allowable.

Claim Rejections - 35 USC § 102

Claims 1-5, 17, 18, and 19 stand rejected under 35 U.S.C. 102(b) as being anticipated by Foster et al. (US 3,919,348).

As stated by the examiner, Foster et al. teach an epoxy-styrene solventless resin impregnation varnish, which is made by mixing (1) the product of the reaction of (a) 1 part of an epoxy resin mixture, (b) between about 0.01 to 0.06 part of maleic anhydride and (c) between about 0.0001 to 0.005 part of a catalyst with (2) a coreactive vinyl monomer and between about 0.00030 to 0.004 part of an aromatic acidic phenolic compound with (3) between about 0.3 to 1.2 part of a polycarboxylic anhydride which is soluble in the mixture of (1) and (2) at temperatures between about 0 to 35°C and an amount of free radical catalyst selected azo compounds and peroxide that is effective to provide a catalytic effect on the impregnating varnish to cure it at temperature over about 85°C.

As stated by the examiner, cycloaliphatic and acyclic aliphatic type epoxides may be used in Foster et al.'s composition and are generally prepared by epoxidizing unsaturated aliphatic or unsaturated aromatic hydrocarbon compounds, such as olefins and cyclo-olefins, using hydrogen peroxide or peracid. The examiner further cites the reference as teaching that peroxide is used as a free-radical type high temperature catalyst for the polymerization reaction that may be present in the amount of 0.001 to 0.01 part for each part of combined solid-liquid epoxy resin.

The examiner concludes that the composition as taught by Foster et al. appears to anticipate the claimed invention.

Applicant traverses this ground for rejection.

Applicant distinguishes the prior art of which Forster et al. is a part at paragraph [0007] of his specification, as follows:

It has now been found that the drying rates of most lithographic inks is advantageously enhanced by the utilization of low levels (10 to 20,000 parts-per-million (ppm)) of inorganic peroxy acid salts, (cofactor reducing agents are not required) as replacements for the activated organic (hydro)peroxide-reducing agent combination(s) and/or hydrogen peroxide fountain additive drying accelerators previously disclosed.

It is the substitution of inorganic peroxy acid salts the is, inter alia, the basis for applicant's invention and a point

which distinguishes applicant's compositions from those of Foster.

As Foster et al. does not disclose a composition containing inorganic peroxy acid salts the reference does not anticipate applicant's compositions.

Claim Rejections - 35 USC § 103

Claims 1-24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Buckwalter (US 3,804,640).

As stated by the examiner, Buckwalter teaches a solvent-free printing ink comprising a metal salt of peroxydiphosphoric acid. The reference further teaches that the metal salt of peroxydiphosphoric acid is a catalyst that undergo cleavage to form radicals. The reference remains silent to the type of printing ink (i.e. lithographic). However it is the position of the Examiner that because the same components are taught as disclosed by Applicant that the ink could be used as a lithographic ink to be used in a lithographic method absence tangible evidence to the contrary.

Applicant traverses this ground for rejection.

Buckwalter is very specific in that the catalyst is restricted to metal salts of peroxydiphosphoric acid [col. 3, lines 3-5] and that the metal peroxydiphosphate is present in "about 1 weight percent to about 10 weight percent, and preferably about 3 weight percent to about 6 weight percent ..." [3,31-33]

Applicant's catalyst is selected from many inorganic salts of peracids where "the inorganic salts of peracids are used in catalytic amounts (e.g., less than about 0.5 weight percent, less than about 0.25 weight percent, less than about 0.1 weight percent, based on total weight of the composition)." [paragraph [0028]]

The at the greatest amount, applicant's catalyst is utilized in amount of less than $\frac{1}{2}$ the minimum amounts disclosed by Buckwalter. As Buckwalter is very clear in the amount of catalyst that is required, Buckwalter does not render applicant's composition obvious and in fact teaches away from applicant's composition.

Favorable reconsideration of this ground of rejection is respectfully requested.

Conclusion

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

10/526,813

Response to Office Action dated December 15, 2006

Attorney Docket: VOC 419US

Any fee due with this paper, not already paid through an EFS-Web filing, may be charged to Deposit Account No. 50-3894. Any overpayment may be credited to Deposit Account No. 50-3894.

Respectfully submitted,



Serle Ian Mosoff

Reg. No. 25,900

August 30, 2007

Date

Customer No.: 61650

(914) 837-2693